DETAILED ACTION

Claims 1-3 and 5-18 are pending in this application filed 12/16/2005.

The previous office action dated March 3, 2008 is hereby expressly withdrawn.

Applicant's claims are directed toward mixtures of UV-A and UV-B filters.

Claim Rejections - 35 USC § 103

1.

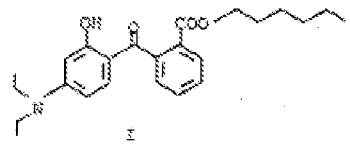
The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

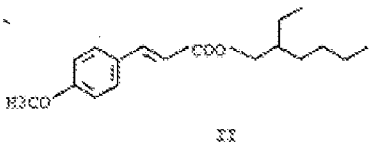
2.

Claims 1-3 and 5-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heidenfelder et al. USP No. 6,458,342, cited and supplied by applicant in view of Martin et al. 2002/0137795 A1.

Heidenfelder et al. disclose use of sunscreen combinations comprising an effective amount of compound A absorbing in the UV-A region and an effective amount of compound B absorbing in the UV-B region and in both regions. Heidenfelder further discloses that the composition comprises an effective amount of one or more compounds chosen from the group consisting of compound B. In column 12, compound XIII corresponds to formula I as claimed by applicant in the instant application.



In column 8, formula II corresponds to formula II claimed by applicant in the instant application.



II

Heidenfelder discloses that an effective amount of compound A and B are present in the referenced sunscreen composition. It is the examiner's position that it would have been obvious to delete compound A and the property that it imparts from the instant invention because both formula I and formula II from compound B provide both UV-A and UV-B sunscreen protection without the use of compound A. Heidenfelder discloses all aspects of the instant invention with the exception of specifically stating that the compounds of formula I and formula II absorb in the UV-A and UV-B range. It is for that reason that Martin et al. is joined.

Martin et al disclose compounds capable of screening out both UV-A and UV-B radiation. On page 2 [0027] Martin discloses that 2-ethylhexyl p-methoxycinnamate is capable of screening out UV-B radiation. This corresponds to applicant's formula II and to the UV-B filter claimed by applicant. Additionally, on pages 2 and 3 Martin further discloses amino-substituted benzophenone derivative capable of screening out UV-A radiation. This corresponds to applicant's formula I and to the UV-A filter claimed by applicant.

Telephone Inquiries

3.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHELLEY A. DODSON whose telephone number is (571) 272-0612. The examiner can normally be reached from 7:30 AM to 4:00 PM Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Johann Richter, can be reached at 571-272-0646. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/SHELLEY A. DODSON/
Primary Examiner, Art Unit 1616